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HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

**TWELFTH DAY
FEBRUARY 6, 2012**

OFFICE OF THE CHIEF CLERK

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TWELFTH DAY

Monday, February 06, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:08 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Denny Coffman, after which the Roll was called showing all Members present with the exception of Representatives McKelvey and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eleventh Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 208) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 208, dated December 23, 2011, transmitting the Office of Language Access Report for fiscal year ending June 30, 2011, prepared by the Department of Labor and Industrial Relations pursuant to Act 290, SLH 2006.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 6 and 7) were received and announced by the Clerk:

Sen. Com. No. 6, dated February 3, 2012, informing the House that the following bill has this day passed Final Reading:

H.B. No. 608, HD 3, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH."

Sen. Com. No. 7, transmitting S.B. No. 2691, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE," which passed Third Reading in the Senate on February 3, 2012.

At 12:12 o'clock p.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives McKelvey and Takai were excused.)

S.B. No. 2691

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Jordan introduced her friend, Ms. D. Kapua Keliikoa-Kamai of the Waianae Valley Homestead Association.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 82-12) recommending that H.B. No. 1716, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1716, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 83-12) recommending that H.B. No. 1729, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1729, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 84-12) recommending that H.B. No. 1915, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 85-12) recommending that H.B. No. 2140, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 86-12) recommending that H.B. No. 2235, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 87-12) recommending that H.B. No. 2139, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 88-12) recommending that H.B. No. 2350, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR THE HONOLULU FAMILY JUSTICE CENTER," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 89-12) recommending that H.B. No. 1715, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1715, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 90-12) recommending that H.B. No. 2773, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2773, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Aquino rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I request for ruling on potential conflict? I work for a non-profit that serves as a fiscal agent for one of the Waipahu Weed and Seed sites. Thank you, very much," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 91-12) recommending that H.B. No. 2089, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2089, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes Mr. Speaker. I rise with reservations. I'm just concerned. I understand the idea of having sick leave. In the long run it potentially saves money for the employer because they stay home and they're able to get well rather than coming to work and being the 'walking dead' so to speak.

"But the other thing about this is the unintended consequences we might cause with this piece of legislation. I'm concerned that a small business would then say, 'Okay, there's mandatory sick leave, so now we're going to take away your paid vacation, because I can't afford this.' And that's a real concern. I would hate to see that we lose other benefits in some other area that they're already getting shift to be able to fund this. So I really think we should take a look at this and just allow the employers and the employees to negotiate and work this out between themselves. Thank you."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, the role of unions is to do exactly what we're trying to do. We are not a union; we're a legislature. And if they want to negotiate through a union or the mediary which is usually the union, I think that's fine. Otherwise, as the Representative from Maui said, this something they should be able to work out themselves. We are not the price setters and the fixers of these things. They are. I think that the best place for the private sector is to remain private. Thank you"

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Briefly, on the union issue. We're considered one of the most unionized states in the nation. But even as one of the most unionized states in the nation, there are less than 25 percent of the work force is unionized, so most workers don't have the protection that being a union member provides. I don't think we're overstepping our bounds by considering this measure, especially when you consider that the vast majority of countries in the world, I think the number is 145 countries provide paid sick leave, and there's 196 countries in the world. So approximately three-quarters of the world provides for paid sick leave. So I don't think we're stepping outside our bounds in terms of considering this legislation. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I just want a ruling on a potential conflict. I'm an employer," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representatives McKelvey and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 92-12) recommending that H.B. No. 2264, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2264, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

At 12:31 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 93-12) recommending that H.B. No. 2579, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION FOR TEMPORARY DISABILITY INSURANCE CLAIMS," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representatives McKelvey and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 94-12) recommending that H.B. No. 2583, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BENEFITS UNDER THE WORKERS' COMPENSATION LAW," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representatives McKelvey and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 95-12) recommending that H.B. No. 1511, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 96-12) recommending that H.B. No. 1768, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1768, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1768, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 97-12) recommending that H.B. No. 2169, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2169, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just need a ruling on a potential conflict. I'm a CPA and I perform most of the peer reviews for local CPA firms in Hawaii. Thank you," and the Chair ruled, "no conflict."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives McKelvey and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 98-12) recommending that H.B. No. 2266, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 99-12) recommending that H.B. No. 2628, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2628, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was referred to the Committee on Higher Education, with Representatives McKelvey and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 100-12) recommending that H.B. No. 2302, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, with Representatives McKelvey and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 101-12) recommending that H.B. No. 1796,

as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 102-12) recommending that H.B. No. 518, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 518, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Agriculture, with Representatives McKelvey and Takai being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 103-12) recommending that H.B. No. 2528, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2528, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, with Representatives McKelvey and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 104-12) recommending that H.B. No. 2242, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR VETERINARIANS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 105-12) recommending that H.B. No. 1879, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 106-12) recommending that H.B. No. 2508, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2508, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 107-12) recommending that H.B. No. 2481, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2481, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 108-12) recommending that H.B. No. 2339, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 109-12) recommending that H.B. No. 2098, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 110-12) recommending that H.B. No. 2285, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 111-12) recommending that H.B. No. 2192, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representatives McKelvey and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 112-12) recommending that H.B. No. 2447, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 113-12) recommending that H.B. No. 2568, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2568,

entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 114-12) recommending that H.B. No. 2100, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2100, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of HB 2100 which would appropriate monies for statewide bee hive research.

"For many years, UH-Hilo has been at the forefront of such research. The work done by Dr. Lorna Tsutsumi of the College of Agriculture, Farming, Natural Resource Management is noteworthy and has garnered support from renowned Chef Alan Wong.

"Honey bees are responsible for crop pollination and their health and well-being are especially important if we truly want to reduce our dependency on imported food. Unfortunately, there are several major pests threatening honey bees in Hawai'i.

"The small hive beetle arrived in the State in 2010 and has been detected on four islands. Its presence compounds the challenges for beekeepers, who are already dealing with the *Varroa* mite since 2007.

"Testimony received in Committee supported this Bill. It has quite a journey ahead so I urge my colleagues support it through the process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BEES," passed Second Reading and was referred to the Committee on Higher Education, with Representatives McKelvey and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 115-12) recommending that H.B. No. 2430, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2430, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of H.B. 2430-Relating to Agriculture. This bill creates an agricultural development and food security program within the Department of Agriculture.

"H.B. 2430 addresses the necessity for the proper collaboration of different sectors of the community while identifying the importance of these sectors to coalesce and improve upon the vast economic possibilities of Hawaii's agriculture industry. The overarching aim of this bill is to conserve agricultural lands, while increasing agricultural self-sufficiency and encouraging the availability of arable lands for sustainable agricultural development.

"It remains my belief that through this bill, the State will affectively take initiative in assuring the continued success of mature commodities such as

coffee and the immediate proliferation of more infant sustainable commodities such as cacao. The growth, production, and distribution of our local farms produce are top priorities in my support of the economic and physical health of our residents. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2430, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 116-12) recommending that H.B. No. 1892, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1892, entitled: "A BILL FOR AN ACT RELATING TO THE REAPPORTIONMENT COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 117-12) recommending that H.B. No. 2760, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2760, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey and Takai being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 118-12) recommending that H.B. No. 2735, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2735, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY," passed Second Reading and was referred to the Committee on Higher Education, with Representatives McKelvey and Takai being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 119-12) recommending that H.B. No. 2820, as amended in HD 1, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2820, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," passed Second Reading and was referred to the Committee on Hawaiian Affairs, with Representatives McKelvey and Takai being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 120-12) recommending that H.B. No. 609, as amended in HD 1, be recommitted to the Committee on Health.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 609, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health, with Representatives McKelvey and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 121-12) recommending that H.B. No. 1295, as amended in HD 1, be recommitted to the Committee on Economic Revitalization & Business.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1295, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," was recommitted to the Committee on Economic Revitalization & Business, with Representatives McKelvey and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 122-12) recommending that H.B. No. 2721, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 123-12) recommending that H.B. No. 770, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 770, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services, with Representatives McKelvey and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 124-12) recommending that H.B. No. 771, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 771, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services, with Representatives McKelvey and Takai being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives McKelvey and Takai were excused.)

THIRD READING

H.B. No. 1868, HD 1:

Representative Chong moved that H.B. No. 1868, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Tokioka rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like to ask for a ruling on a potential conflict. I work for Oceanic Hospitality and Business Class. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey and Takai being excused.

At 12:41 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1868, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 20) and concurrent resolution (H.C.R. No. 38) were referred to Printing and further action was deferred:

H.R. No. 20, entitled: "HOUSE RESOLUTION OPPOSING THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY," was jointly offered by Representatives Chang, Har and Thielen.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE PASSAGE OF RULE 064B-BA81 PROPOSED BY THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY," was jointly offered by Representatives Chang, Har and Thielen.

ANNOUNCEMENTS

Representative Cabanilla: "Thank you, Mr. Speaker. I just would like to announce that the meeting for the Filipino Caucus and those who would like to be members, that meeting is postponed for tomorrow at 1:30. It's going to be in the Policy Room at Room 437, 1:30 tomorrow. Not today. Thank you, Members."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
609	Committee on Health, then to the Committee on Finance
770, HD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
771, HD1	Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1295, HD1	Committee on Economic Revitalization & Business, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce
2721, HD1	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2788	Committee on Tourism, then to the Committee on Judiciary, then to the Committee on Finance
2810	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance

ADJOURNMENT

At 12:42 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 07, 2012. (Representatives McKelvey and Takai were excused.)

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"February 6, 2012

The Honorable Neil Abercrombie
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Abercrombie:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following bills, a copy of which is attached hereto:

S.B. No. 2205

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO LOWER THE NUMBER OF NOMINEES PRESENTED BY THE JUDICIAL SELECTION COMMISSION TO FILL STATE COURT JUDICIAL VACANCIES."

S.B. No. 2206

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

Respectfully,
/s/ Carol T. Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosures

cc: CJ Leong
Clerk of the House"

ROUGH DRAFT